

WELCOME

to the



Intrastate New Entrant Safety Seminar

A copy of this presentation can be found
on the FHP Commercial Vehicle
Enforcement Webpage at

www.flhsmv.gov/fhp/CVE
(Link also in your folder)



Florida Department of Highway Safety and Motor Vehicles

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TERRY L. RHODES
EXECUTIVE DIRECTOR

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Office of Commercial Vehicle Enforcement

FHP Home
Cargo Theft
Compliance Review
Domestic Security
Florida USDOT Number FAQ
Florida USDOT Number
Hours of Service Rules
International Registration Plan / International Fuel Tax Agreement
Protesting a Commercial Vehicle Citation
Public Records
Recreational Vehicles
Regulation Forms
Safety
Unified Carrier Registration

FLORIDA HIGHWAY PATROL

EFFECTIVE JANUARY 1, 2013
THERE ARE ADDITIONAL METHODS TO DETERMINE IF A CDL IS REQUIRED

US Department of Transportation announces rule that bans hand held cell phone use by drivers of buses and large trucks

Carriers Alerted to Aggressive Marketing Attempts to Sell Supervisory Training for Drug and Alcohol Testing Requirements

Pay your citation online
[Pay Now](#)

In an effort to reduce the number of crashes related to commercial motor vehicles, CVE officers perform safety inspections on commercial vehicles and enforce traffic with an emphasis on violations by commercial motor vehicles and passenger vehicles interacting with large trucks.

Contact A Field Office Near You
CDL Medical Self-Certification system
How do I obtain my Commercial Driver License (CDL)?
Escort/Pilot Course
Escort/Pilot FAQ
FDOT Weigh Station Information
Overweight and Over-dimensional Permits
Career Opportunity

Restrooms



Certificate of Attendance

Please complete the form below (from your folder)
and return to the Registration table to ensure you
receive your Certificate of Attendance

Company Name: _____

DOT #: _____

Attention: _____

Mailing Address: _____

City: _____

State: *FL*

Zip Code: _____

SEPTEMBER 11, 2001



Never Forget!



April 19, 1995 - Oklahoma City

Commercial Vehicle Drivers

STAY ALERT

Report suspicious activities to local law enforcement officials
or call the FDLE Domestic Security Hotline:

(800) 342-0820

Motor Carriers:

FDLE criminal history information is available online:

<http://www.fdle.state.fl.us/CriminalHistory/>

The New Entrant Safety Seminar

is not

a Comprehensive Training Program on the
Federal Motor Carrier Safety Regulations

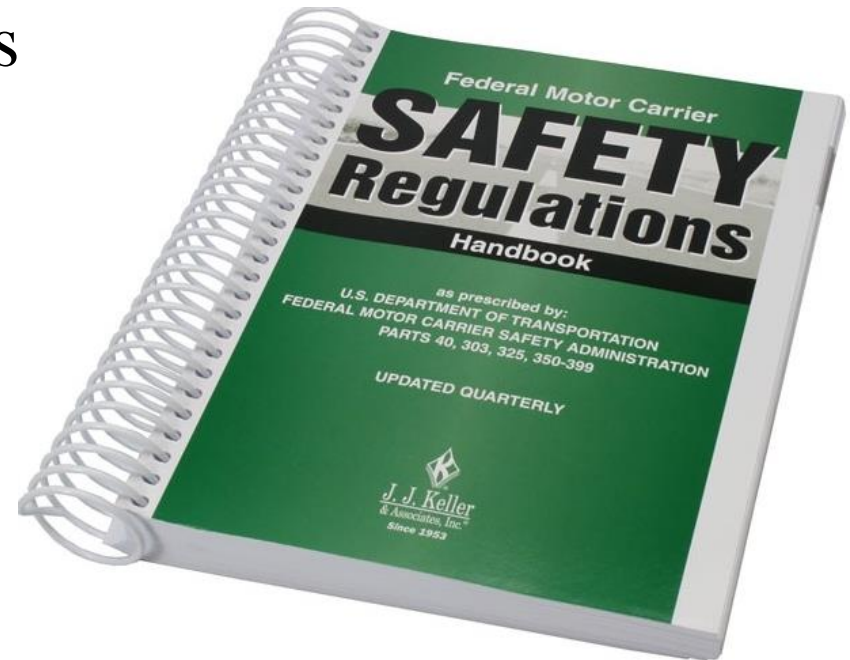
or

Florida State Statutes,

but a general overview of the requirements
of motor carriers operating intrastate in
Florida.

The Purpose is To Assist Motor Carriers in Learning:

- Their Safety Responsibilities
- The Requirements of Compliance With Applicable Regulations
- How to Obtain More Information



Definitions

New Entrant – Motor carrier that applies for a USDOT identification number in order to initiate intrastate operations within the State of Florida.

Motor Carrier – A for-hire motor carrier or a private motor carrier; including a motor carrier's agents, officers and representatives as well as employees

For-Hire Motor Carrier – Company engaged in the transportation of goods or passengers for compensation.

Private Motor Carrier – Company that provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.

Definitions Cont.

Commercial Motor Vehicle – Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (a) Has a gross vehicle weight rating of 10,000 pounds or more;
- (b) Is designed to transport more than 15 passengers, including the driver;
- (c) Is used in the transportation of materials found to be hazardous

Bus - Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Nonpublic Sector Bus - Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

Safety-Sensitive Functions

- Driving or Attending a Commercial Motor Vehicle
- Loading or Unloading a CMV
- Inspecting, Servicing, or Repairing a CMV
- Waiting to be Dispatched or Remaining in Readiness to Operate a CMV



Pre-Employment Testing

No Employer Shall Allow a Driver to
Perform Safety-Sensitive Functions

UNLESS

The Employer Has RECEIVED a Negative
Controlled Substances Test Result.

Random Testing

**Owner-Operators and Carriers With One Driver MUST
Join a Consortium**

Random Program Pools Must:

- Use a scientifically valid method of selection
- Ensure each driver has an equal chance of selection
- Ensure random tests are unannounced
- Spread tests reasonably throughout the year

Annual Testing Requirements:

Controlled Substances **50%**

Alcohol **10%**



"You're fired, Jack. The lab results just came back, and you tested positive for Coke."

Post-Accident Testing

Surviving drivers must be tested when
loss of human life is involved,

OR

The driver receives
a citation

AND

there is a patient transported by ambulance

OR

A vehicle has disabling damage requiring towing
from the scene

49CFR Part 383.303 a & b

Administration of Post-Accident Tests

- Alcohol - test within 2 hours
Cease attempts to test after 8 hours
- Controlled substances - test within 32 hours
Cease attempts to test after 32 hours
- Prepare and maintain reasons for not promptly administering tests, if applicable



Reasonable Suspicion Testing

Based on a Trained Supervisor's Observations of

- Appearance
- Behavior
- Speech
- Body odors



Supervisor Training:

- 60 minutes on alcohol misuse, *and*
- 60 minutes on controlled substances use

**Not applicable to owner-operators in
non-supervisory positions*

Part 382 .401– Retention of Drug and Alcohol Program Records:

Five Years:

Alcohol test results showing a concentration .02 or higher

Verified positive results of drug tests

Refusals to take drug or alcohol test (must be provided to future employers)

Driver evaluation and referrals

Records related to the administration of the program

Copy of each calendar year summary

A service agent (e.g., Consortia/Third party administrator may prepare the MIS report on behalf of an employer. However, a company official must sign/certify the accuracy and completeness of the MIS report, no matter who prepares it.

Two Years

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) including:

- Random selection process records;
- Reasonable suspicion testing documentation;
- Post accident testing documentation; and
- Medical explanation for a driver's inability to provide adequate sample.

One Year

- Records of negative and cancelled substances test results; and
- Alcohol test results with a concentration of less than 0.02.

Indefinite Period

Records must be maintained by the employer while the individual performs the functions which require the training and for **two years** after ceasing to perform those functions.

- All records related to the training and education of drivers, supervisors, breath alcohol technicians, and screening technicians;
- Employer's testing policy; and
- Driver's signed receipt for educational materials and policy received.

Prohibited Conduct



- Drivers shall not perform safety-sensitive functions within 4 hours after using alcohol
- Drivers shall not possess alcohol in vehicle at any time unless it is part of a load
- Drivers who use controlled substances shall not perform safety-sensitive functions

Positive Driver--What Next?

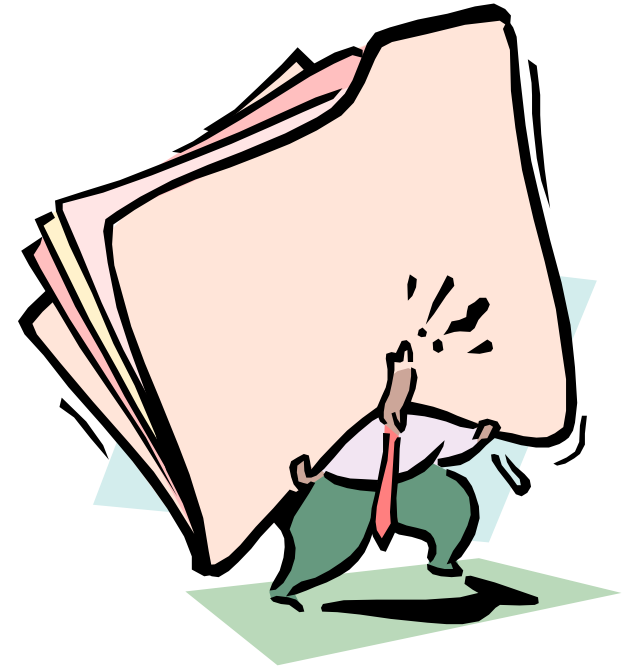
- Driver must be removed from all safety sensitive functions
 - Has to have a face-to-face evaluation by a Substance Abuse Professional (SAP)
 - Must have “return-to-duty” test (observed)
 - Must have minimum of 6 unannounced “follow-up” tests within 12 months
- *You do not have to retain a positive driver, however you must refer the driver to a SAP and maintain positive test records for five years.*

Educational Materials

- Carriers must provide educational materials explaining the requirements of the regulations *and* the employer's policies regarding alcohol misuse and controlled substances abuse.
- Carriers must maintain original signed certificate of receipt of above for each driver.

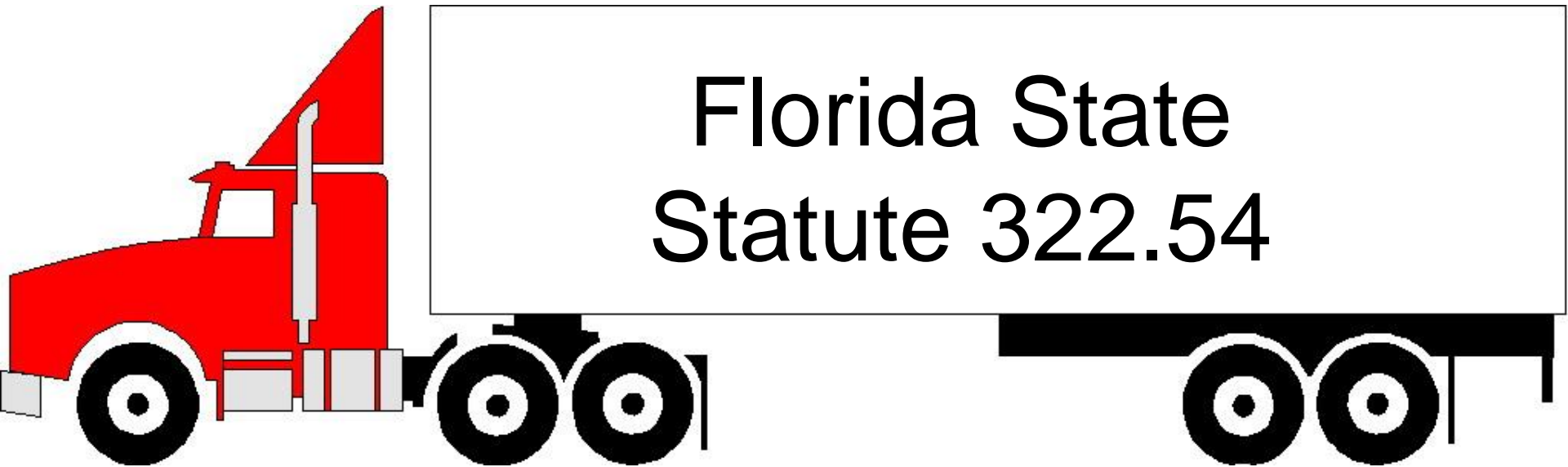
Drug & Alcohol Program Records

- ☐ Secure Location
- ☐ Controlled Access
- ☐ Records Must Be Available For Inspection within 48 Hours When Requested by FMCSA or Agent



Maintain Records For the Minimum Period of Retention Set Forth in 49 CFR 382.401.

Commercial Driver Licenses



Drivers Must Be Licensed For Type of Vehicle Being Operated

Proper Class

- A, B, C

Proper Endorsements

- HM, Tank, Doubles/Triples, Passenger

Observe Restrictions

- Corrective Lenses, Hearing Aid, Air Brakes, etc.

Florida Statutes now state actual physical weight of the vehicle, in addition to GVWR are used in determining license class



2013 Legislative Updates

§316.3025(6), FL Statute Adds Mobile Phone and Texting Ban To All CMVs

			Penalties		
Florida Statute	Federal Regulation	Violations	1 st Offense	2 nd Offense	3 rd Offense
316.3025(6)(a)	49 CFR s. 392.82	Using Handheld Mobile Telephone While Driving a CMV	\$500	\$1000	\$2750
316.3025(6)(a)	49 CFR s. 392.80	Texting While Driving CMV	\$500	\$1000	\$2750
316.3025(6)(b)	49 CFR s. 392.82	Company Allowing or Requiring Driver of CMV to Use Handheld Mobile Telephone While Driving	\$2750	\$5000	\$11000
316.3025(6)(b)	49 CFR s. 392.80	Company Allowing or Requiring Driver of CMV to Text While Driving	\$2750	\$5000	\$11000

Legislative Reminders

- § 322.61, FL Statute Adds Violations That Will Result in Disqualification From Operating a CMV After Violating the Provisions of an Out-of-Service Order (1st offense – 180 days, 2nd offense – 2 years).
- § 316.3025(3)(b)(1) FL Statute Adopts \$100 Penalty for **Each** Violation of N. American Uniform Driver Out of Service Criteria
- § 316.3025(3)(b)(2) FL Statute Adopts \$100 Penalty for Violation of 12/16 and 70/80 Hour Rules.
- § 316.3025(3)(b)(3) FL Statute Adopts \$100 Penalty for Unauthorized Passengers per 49 CFR 392.60.
- § 316.3025(3)(b)(5), FL Statute – Adopts \$100 penalty for not possessing a valid medical certification.
- § 316.159(3), FL Statute States ALL Drivers of CMVs Are Required to Slow Before Crossing Railroad Tracks.

Commercial Motor Vehicle Insurance



§ 627.7415, FL Statute

Required Liability Coverage

- GVW 26,000 – 34,999 lbs - \$ 50,000
- GVW 35,000 – 43,999 lbs - \$100,000
- GVW 44,000 lbs or More - \$300,000

Note:

49 C.F.R. Part 387 applies to certain for-hire and hazardous materials carriers.

§ 627.742, FL Statute applies to nonpublic sector buses.

Accident Register

49 C.F.R. § 390.15



- Date of Accident
- City and State
- Driver Name
- Number of Injuries/Fatalities
- Hazardous Materials Released
- Copy of Accident Report

Maintain information for 3 years

ACCIDENT REGISTER

FROM _____, 20____ TO _____, 20____

ACCIDENT REGISTER

FROM _____, 20____ TO _____, 20____

[illegible]

Motor Carrier Identification Report Form MCS-150

- File before beginning operations
\$500 penalty for failure to register
- File an Update Within First Year of Operation and
Then Every 24 Months
Or when company information changes

Electronic filing is available online at
www.fmcsa.dot.gov

Public reporting for this collection of information is estimated to be 20 minutes per response, including the time for reviewing instructions and completing and reviewing the collection of information. All responses to this collection of information are mandatory and will be provided confidentially to the extent allowed by the Freedom of Information Act (FOIA). Notwithstanding any other provision of law, no person is required to respond to or furnish information to a person who is not authorized to collect information for the purposes of the collection of information. The collection of information is subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The valid OMB Control Number for this information collection is 2126-0013. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Offices, Federal Motor Carrier Safety Administration, MC-MM, U.S. Department of Transportation, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Motor Carrier Identification Report

(Application for USDOT Number)

REASON FOR FILING (Mark only one) <input type="radio"/> NEW APPLICATION <input type="radio"/> BIENNIAL UPDATE OR CHANGES <input type="radio"/> OUT OF BUSINESS NOTIFICATION <input type="radio"/> REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)																																																																																																																																																																																																																											
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CLASS 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. DIV 1.6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P. Class 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Z. DIV 6.1A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JJ. ELEVATED TEMP MAT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G. DIV 2.1 (Flam. Gas)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Q. Class 3A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AA. DIV 6.1B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	KK. INFECTIOUS WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. DIV 2.1 LPG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R. Class 3B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BB. DIV 6.1 POISON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LL. MARINE POLLUTANTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I. DIV 2.1 (Methane)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	S. COMB LIQ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CC. DIV 6.1 SOLID	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MM. HAZARDOUS SUB (RO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	J. DIV 2.2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	T. DIV 4.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DD. CLASS 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NN. HAZARDOUS WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													OO. ORM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(C) CARRIER				(S) SHIPPER				(B) BULK - IN CARGO TANKS				(NB) NON-BULK - IN PACKAGES																																																																																																																																																																																																															
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26. NUMBER OF VEHICLES THAT WILL BE OPERATED IN THE U.S.																																																																																																																																																																																																																											
						Number of vehicles carrying number of passengers (including the driver)																																																																																																																																																																																																																					
Straight Trucks		Truck Tractors		Trailers		Hazmat Cargo Tank Trucks		Hazmat Cargo Tank Trailers		Motor-coach		School Bus		Mini-bus		Passenger Van		Limousine																																																																																																																																																																																																									
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27. DRIVER INFORMATION						TOTAL DRIVERS						TOTAL CDL DRIVERS																																																																																																																																																																																																															
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Beyond 100-Mile Radius																																																																																																																																																																																																																											
28. IS YOUR USDOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? <input type="radio"/> Yes <input type="radio"/> No																																																																																																																																																																																																																											
If Yes, enter your USDOT Number. _____																																																																																																																																																																																																																											
29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. president, treasurer, general partner, limited partner)																																																																																																																																																																																																																											
1. _____ 2. _____																																																																																																																																																																																																																											
30. CERTIFICATION STATEMENT (to be completed by authorized official)																																																																																																																																																																																																																											
I, _____ certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.																																																																																																																																																																																																																											
Signature _____				Date _____				Title _____ (Please print)																																																																																																																																																																																																																			

Marking of Commercial Motor Vehicles

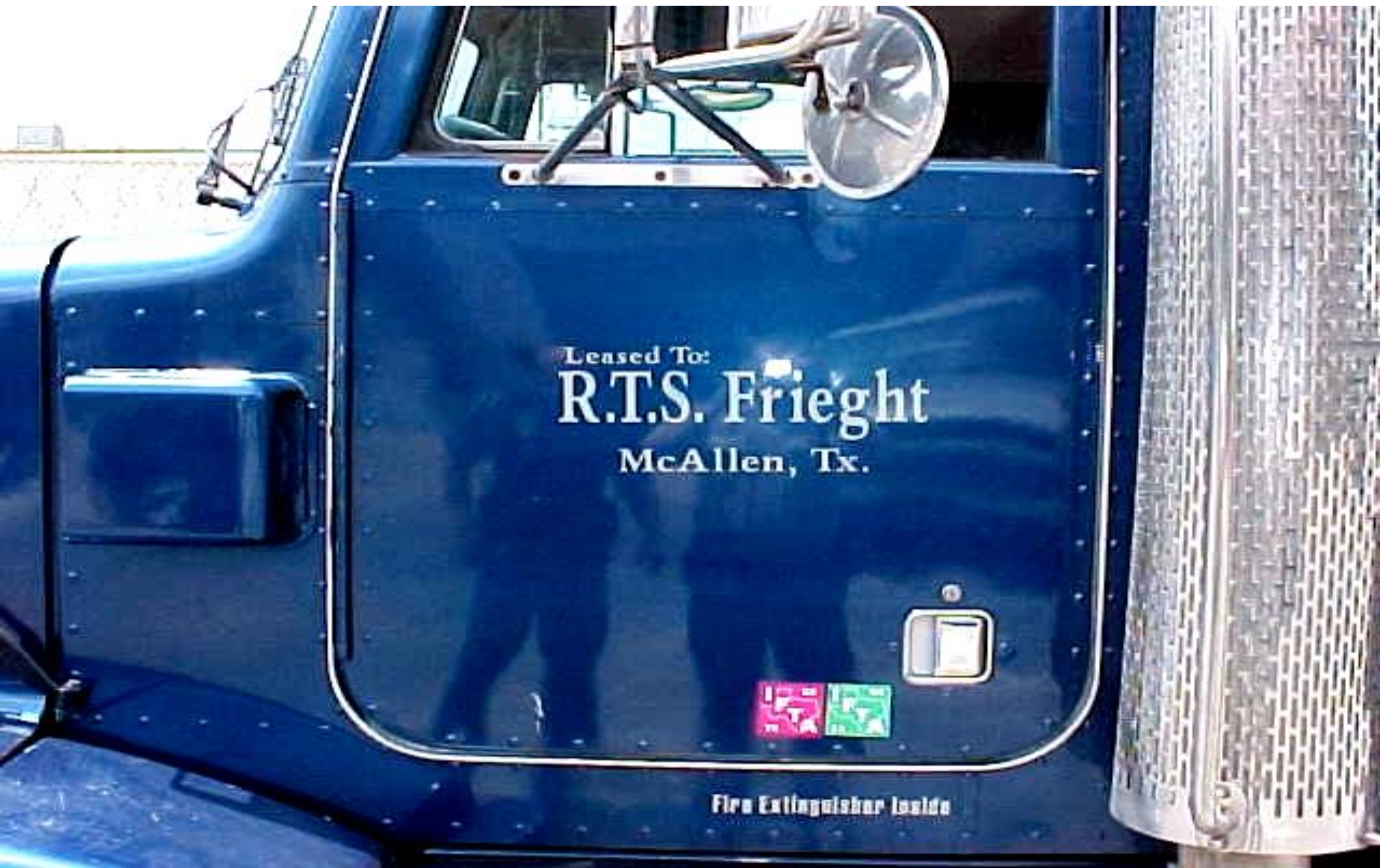
49 C.F.R. § 390.21

Name of the Operating Motor Carrier
&

USDOT identification number

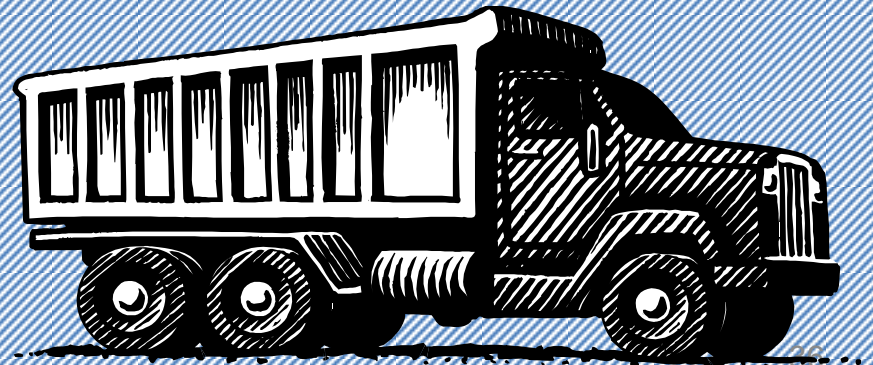
- Both Sides of Power Unit
- Sharply Contrasting Color
- Legible From 50 Feet
- If Name of Any Other Person Appears
Carrier Name Must Be Preceded By
"Operated By"

\$50 Penalty for Improper Marking



Driver Qualifications

- 21 years of age (*18 years for intrastate non-HM drivers*)
- Able To Safely operate the vehicle
- Be Physically Qualified
- Posses Valid/Proper CDL



Driver Disqualification

- **Loss of Driving Privileges**
Revocation, Suspension, Withdrawal
- **Criminal Offenses**
DUI, Leaving Accident Scene, Felony Involving CMV
- **Violation of Out-of-Service Orders**

DRIVER QUALIFICATION FILE CHECKLIST

- Driver's Application for Employment
- Inquiry to Previous Employers – 3 Years
- DL Inquiry to State Agencies – 3 Years
- Annual MVR Inquiry to State Agencies
- Annual Review/Certification of Driving Record
- Annual Driver's Certification of Violations
- Driver's Road Test Certificate or Equivalent (CDL copy)
- Medical Examiner's Certificate

EMPLOYMENT APPLICATION REQUIREMENTS

- Signed by applicant
- Contain name and address of employing motor carrier
- Applicant's name, address, DOB, SSN
- Past 3 years residency from date of application
- Date application is submitted
- Issuing state, number and expiration date of each unexpired license
- Nature and extent of applicants experience, including type of truck, bus, etc
- List of all vehicle accidents during the 3 years preceding application date, specifying date, nature, and injuries or fatalities
- List of all vehicle law violations (excluding parking) convicted of during the 3 years preceding application date
- A statement setting forth in detail the facts and circumstances of any denial, suspension, revocation, etc of their DL, or a statement that none have existed
- List of names and addresses of employers for 3 years (10 years for CDL drivers) preceding application date, to include employment dates and reason for leaving (after 10-29-04, was the applicant subject to FMCSR's and was alcohol and drug testing a requirement).
- Certification and signature line/date must appear at the bottom of the application: "This certifies that the application was completed by me, and that all entries on it are true and complete to the best of my knowledge"

**MOTOR VEHICLE
DRIVER'S CERTIFICATION
OF VIOLATIONS**

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

[illegible]

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

(Date of Certification) _____ (Driver's Signature) _____

(Motor Carrier's Name) (Motor Carrier's Address)

(Reviewed by: Signature) _____ (Title) _____

Driver must report all tickets to carrier within 30 days. Each non-parking violation must be recorded by driver.

Carrier is to acquire driver's MVR each year and compare this list to the MVR and certify they've reviewed the MVR.

MEDICAL EXAMINER'S CERTIFICATE				
I certify that I have examined _____ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:				
<input type="checkbox"/> wearing corrective lenses <input type="checkbox"/> wearing hearing aid <input type="checkbox"/> accompanied by a _____ waiver/exemption		<input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62) <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) <input type="checkbox"/> qualified by operation of 49 CFR 391.64		
The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.				
SIGNATURE OF MEDICAL EXAMINER		TELEPHONE		DATE
MEDICAL EXAMINER'S NAME (PRINT)		<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Chiropractor <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Other Practitioner		
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE		NATIONAL REGISTRY NO.		
SIGNATURE OF DRIVER	INTRASTATE ONLY	CDL	DRIVER'S LICENSE NO.	STATE
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
ADDRESS OF DRIVER				
MEDICAL CERTIFICATION EXPIRATION DATE				

Effective May 21, 2014, anyone that provides a DOT medical examination must be registered in the FMCSA's National Registry of Medical Examiners. If they are not, the card is not valid.

New cards now have a field for the examiner's National Registry Number that must be filled in.

Driver Investigation History File

49 CFR Part 391.23

- Previous Employer Safety Performance History Inquiry to be conducted within 30 days of employment
- Acquire employee's written consent with application
- Request positive or refused alcohol or controlled substances tests
- Obtain information from previous FMCSA-regulated employers for the past three years
- Or documentation of good faith efforts to contact previous employer

Part 392

Driving of Commercial Motor Vehicles



Scope of the Rules

- Every Employer and Employee Shall Comply and be Conversant With These Requirements and Specifications.
- No Employer Shall Operate a Commercial Motor Vehicle Unless it is Properly Equipped.

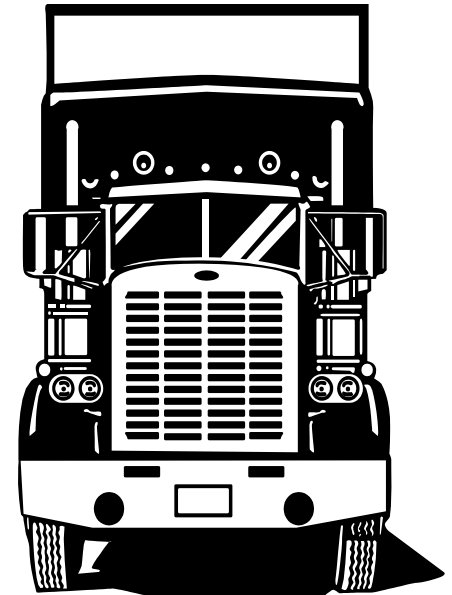


What Is Covered By Part 393 ?

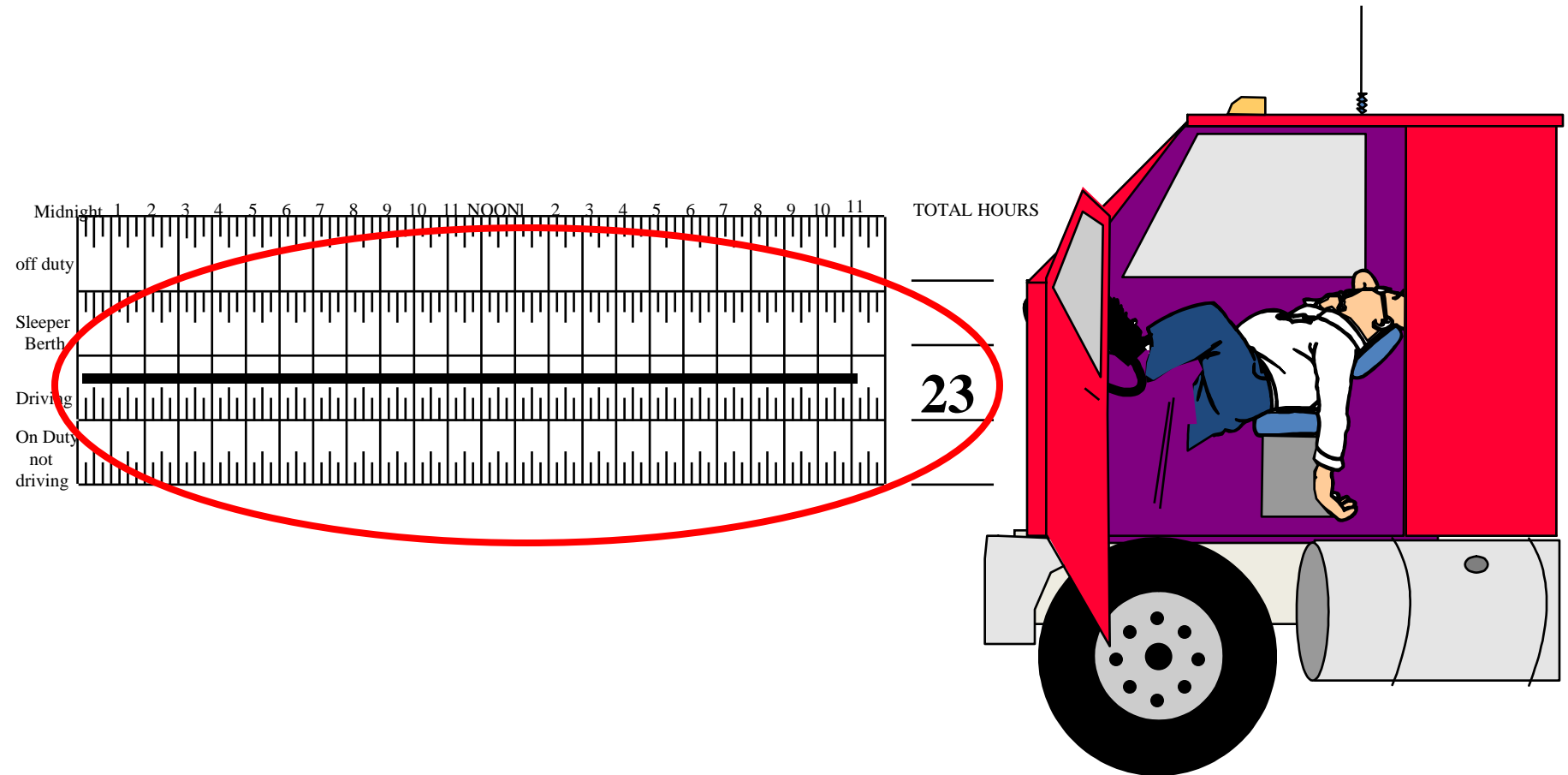
- ✓ Lighting devices, Reflectors & Tape
 - ✓ Electrical Equipment Wiring Specifications
- ✓ Brakes
 - ✓ Parking Brakes, Breakaway, Low Air Warning
- ✓ Window Construction and Tint
 - ✓ Allow 70 % transmittance of light
- ✓ Fuel Systems
 - ✓ Construction, location, venting systems
- ✓ Coupling Devices and Towing Methods
 - ✓ Fifth wheel, saddle mount, safety devices

Part 393 Continued

- ✓ Miscellaneous Parts & Accessories
 - ✓ Tires, Speedometer, Rear-End Protection, Horn
- ✓ Emergency Equipment
 - ✓ Fire Extinguisher, Triangles
- ✓ Protection against Shifting and Falling Cargo
- ✓ Frames, Cab and Body Components
 - ✓ Wheels, rims
 - ✓ Suspension Systems
 - ✓ Steering Systems



Intrastate Drivers' Hours of Service



Three Classifications of Drivers:

- 1) Drivers operating solely in intrastate commerce not transporting hazardous materials
- 2) Drivers transporting hazardous materials
- 3) Drivers of non-public sector buses

Note: More than one classification may apply to your drivers depending upon the work they perform.

Drivers' Hours of Service

Definitions:

- Air mile – a “nautical mile” equivalent to 1.1508 statute miles
100 air miles = 115.08 statute miles
150 air miles = 172.62 statute miles
- Driving time – all time spent at the driving controls of a commercial motor vehicle in operation
- On duty – all time from the time a driver begins to work or be in readiness to work until the time the driver is relieved from work and all responsibility for performing work

Intrastate Drivers Not Transporting
Hazardous Materials or Passengers:
§ 316.302(2), FL Statute

- 12 Hour Rule – May not drive more than 12 hours following 10 consecutive hours off duty
- 16 Hour Rule - May not drive after the end of the 16th hour after coming on duty following 10 consecutive hours off duty
- 30 Minute Break – Does NOT apply to intrastate carriers, with the exception of hazardous material haulers. Refer to Florida Statute 316.302(2)(a) which excepts intrastate carriers from 49 CFR Part 395.3(A) or (B), which outlines the rest break.

Options For Obtaining a 10-Hour Rest Period:

- At least 10 consecutive hours off duty
- At least 10 consecutive hours of sleeper-berth time
- A combination of consecutive sleeper-berth and off duty time amounting to at least 10 hours
- At least 8 consecutive hours in a sleeper-berth and a separate period of at least 2 consecutive hours either in the sleeper-berth or off duty, or any combination thereof

Intrastate Drivers Not Transporting
Hazardous Materials or Passengers:
§ 316.302(2), FL Statute

- 70 hour rule – may not drive after having been on duty more than 70 hours in 7 consecutive days (motor carriers not operating every day of the week)
- 80 hour rule – may not drive after having been on duty more than 80 hours in 8 consecutive days (motor carriers operating every day of the week)

Intrastate Drivers Not Transporting Hazardous Materials or Passengers: § 316.302(2), FL Statute

34 consecutive hours off duty shall constitute the end of any 7 or 8 day period.

**Please note, effective Dec. 16, 2014, two restrictions that were placed on the 34 hour restart have been suspended pending further study to see if the requirements are beneficial to safety practices. They are requiring two periods between 1:00 am and 5:00 am and that 34 hour restarts can only be used once per every 168 hours. There is currently no limit on when and how many times the 34 hour restart can be used weekly.

Exceptions: Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 24 or more successive hours for:

- Ground water well drilling operations
- Construction materials and equipment
- Utility service vehicles

(See 49 C.F.R. § 395.1)

Intrastate Drivers Not Transporting Hazardous Materials or Passengers: § 316.302(2), FL Statute

Within a 150 air-mile radius – retain time records for 6 months showing:

- Time the driver reports for duty
- Time the driver is released from duty
- Total hours on duty
- Preceding 7 days' time for first-time or intermittent drivers
- Driving times throughout the duty period (if driver is not released from duty within 12 hours)

Beyond a 150 air-mile radius – maintain records of duty status in accordance with 49 C.F.R. § 395.8. (example: daily log)

Drivers Transporting Hazardous Materials:

49 C.F.R. § 395.3

- 11 Hour Rule – May not drive more than 11 cumulative hours following 10 consecutive hours off duty
- 14 Hour Rule – May not drive after the end of the 14th hour after coming on duty following 10 consecutive hours off duty
- 60 Hour Rule – May not drive after having been on duty 60 hours in any 7 consecutive days (motor carriers not operating every day of the week)
- 70 Hour Rule – May not drive after having been on duty 70 hours in any 8 consecutive days (motor carriers operating every day of the week)
- 30 Minute Rest Period – Must not drive if more than 8 hours have passed since last off-duty or sleeper berth period of at least 30 minutes (includes on duty time).

Drivers Transporting Hazardous Materials:

49 C.F.R. § 395.1(e)

Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours.

Exceptions: Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 24 or more successive hours for:

- Ground water well drilling operations
- Construction materials and equipment
- Utility service vehicles

(See 49 C.F.R. § 395.1)

Drivers Transporting Hazardous Materials:

49 C.F.R. § 395.1(e)

100 Air-mile radius drivers are exempt from 49 C.F.R. § 395.8
(log book requirement if:

- ✓ The driver returns and is released from work within 12 consecutive hours
- ✓ The driver has at least 10 consecutive hours off duty separating each 12 hours on duty
- ✓ The motor carrier retains time records for 6 months showing:
 - Time the driver reports for duty
 - Time the driver is released from duty
 - Total hours on duty
 - Preceding 7 days' time for first-time or intermittent drivers

Drivers of Non-public Sector Buses:

49 C.F.R. § 395.5

Non-public sector bus – a non-governmental bus used to transport persons for compensation

- 10 Hour rule – may not drive more than 10 hours following 8 consecutive hours off duty
- 15 Hour rule – may not drive after having been on duty 15 hours following 8 consecutive hours off duty
- 60/70 Hour rule – may not drive after having been on duty 60 hours in any 7 consecutive days or 70 hours in any 8 consecutive days

Vehicle Files

Inspection, Repair and Maintenance

49 C.F.R. Part 396.3

Applies to:

- ✓ **Vehicles with GVWR 10,001 or more**
- ✓ **Designed to transport more than 8 passengers (including driver) for compensation**
- ✓ **Transports Hazmat**

Required records:

- ✓ **Identification of the vehicle**
- ✓ **Nature and due date of inspection / maintenance**
- ✓ **Records of inspection, repair and maintenance**

Record retention:

Retain records where the vehicle is housed or maintained for 1 year; and for 6 months after the vehicle leaves your control.

Driver Vehicle Examination Reports

(Roadside Inspections)

49 C.F.R. § 396.9

- Correct all Out of Service violations prior to operation
- Correct all other violations prior to re-dispatch
- Certify and return the inspections with vehicle violations to the issuing agency within 15 days
- Copy must be maintained at principal place of business for 12 months

Driver's Vehicle Inspection Report

Check Any Defective Item and Give Details Under "Remarks."

DATE: _____

TRUCK/TRACTOR NO. _____

- | | | |
|--|--|--|
| <input type="checkbox"/> Air Compressor | <input type="checkbox"/> Horn | <input type="checkbox"/> Springs |
| <input type="checkbox"/> Air Lines | <input type="checkbox"/> Lights | <input type="checkbox"/> Starter |
| <input type="checkbox"/> Battery | Head - Stop | <input type="checkbox"/> Steering |
| <input type="checkbox"/> Brake Accessories | Tail - Dash | <input type="checkbox"/> Tachograph |
| <input type="checkbox"/> Brakes | Turn Indicators | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Carburetor | <input type="checkbox"/> Mirrors | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Clutch | <input type="checkbox"/> Muffler | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Defroster | <input type="checkbox"/> Oil Pressure | <input type="checkbox"/> Windows |
| <input type="checkbox"/> Drive Line | <input type="checkbox"/> On-Board Recorder | <input type="checkbox"/> Windshield Wipers |
| <input type="checkbox"/> Engine | <input type="checkbox"/> Radiator | <input type="checkbox"/> Other |
| <input type="checkbox"/> Fifth Wheel | <input type="checkbox"/> Rear End | |
| <input type="checkbox"/> Front Axle | <input type="checkbox"/> Reflectors | |
| <input type="checkbox"/> Fuel Tanks | <input type="checkbox"/> Safety Equipment | |
| <input type="checkbox"/> Heater | Fire Extinguisher | |
| | Flags-Flares-Fusees | |
| | Spare Bulbs & Fuses | |
| | Spare Seal Beam | |

TRAILER(S) NO.(S) _____

- | | | |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections | <input type="checkbox"/> Hitch | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Coupling Chains | <input type="checkbox"/> Lights - All | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof | <input type="checkbox"/> Other |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Springs | |

Remarks: _____

☐ CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE _____

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE _____ DATE _____

DRIVER'S SIGNATURE _____ DATE _____

Driver Vehicle Inspection Reports

(Post Trip Inspections)

49 C.F.R. § 396.11

- Effective December 2014, Drivers of PROPERTY carrying vehicles are only required to complete a post-trip inspection report if a defect exists.
- PASSENGER carriers must still complete post-trip inspection reports daily regardless of whether or not a defect exists.
- Certify corrective action
- Maintain for 3 months
- Carriers with one truck are exempt as they were prior to the rule change.

Periodic Inspection

49 C.F.R. §§ 396.17-25

- ✓ Inspect vehicles at least once every 12 months
- ✓ Prepare a report identifying the following:
 - Individual performing the inspection
 - Motor carrier operating the vehicle
 - Date of the inspection
 - Vehicle inspected
 - Components inspected and the results
- ✓ Retain inspection reports for 14 months (Current and one past)
- ✓ Level I Roadside Inspection with no violations can suffice

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MOTOR CARRIER OPERATOR ADDRESS CITY, STATE, ZIP CODE VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> (OTHER)						INSPECTOR(S) NAME (PRINT OR TYPE) THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.10: <input type="checkbox"/> YES <input type="checkbox"/> NO																																																																																																																																																																																																																																																		
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INSPECTOR QUALIFICATIONS

Certification — 49 CFR — Part 396.19

Motor carriers are responsible for ensuring that individual(s) performing an annual inspection under 396.19 are qualified as follows:

- ☐ Understands the inspection criteria set forth in Part 393 and Appendix G and can identify defective components
- ☐ Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection
- ☐ Is capable of performing an inspection by reason of experience, training, or both, and qualifies in one of the following categories (check all that apply):
 - I. ☐ Successfully completed a State or Federal training program or has certificate from a State or Canadian Province which qualifies the person to perform commercial vehicle safety inspections. Specify:

or

- II. ☐ Have a combination of training or experience totaling at least one year as follows (check all that apply):
 - A. ☐ Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance. Where and Date:

 - B. ☐ ____ (years) experience as a mechanic or inspector in a motor carrier maintenance program. Name and Date:

 - C. ☐ ____ (years) experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility. Name of Facility and Dates:

 - D. ☐ ____ (years) experience as a commercial vehicle inspector for a State, Provincial, or Federal Government. Where and Dates:

I certify the above information is true and accurate to the best of my knowledge.

Employee _____
Signature of Mechanic/Inspector Date

Motor Carrier/Company _____
Signature of Employer/Supervisor Date

Evidence of Inspector Qualifications are on file at:

Carriers Performing Own Periodic Inspections Must Maintain Completed Forms Indefinitely

BRAKE INSPECTOR QUALIFICATIONS

Certification — 49 CFR — Part 396.25

“Brake Inspector” means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier’s control, meet the applicable Federal standards.

No motor carrier shall require or permit any employee who does not meet minimum brake inspector qualifications to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

Minimum Qualifications

- ☐ Understands and can perform brake service and inspection
- ☐ Is knowledgeable of and has mastered the methods, procedures, tools and equipment necessary to perform brake service and inspection
- ☐ Is capable of performing brake service or inspection by reason of experience, training, or both, and qualifies in one of the following categories (check all that apply):
 - I. ☐ Has successfully completed an apprenticeship program sponsored or approved by a State, Canadian Province, a Federal agency or labor union, or has a certificate from a State or Canadian Province which qualifies the person to perform brake service or inspections. Specify:

or

- II. ☐ Has brake-related training or experience or a combination thereof totaling at least one year as follows (check all that apply):
 - A. ☐ Participation in a brake maintenance or inspection training program sponsored by a brake or vehicle manufacturer or similar commercial training program. Where and Date:

 - B. ☐ ____ (years) experience performing brake maintenance or inspection in a motor carrier maintenance program. Name and Date:

 - C. ☐ ____ (years) experience performing brake maintenance or inspection at a commercial garage, fleet leasing company, or similar facility. Name of Facility and Dates:

I certify the above information is true and accurate to the best of my knowledge.

Employee _____
Signature of Mechanic/Inspector Date

Motor Carrier/Company _____
Signature of Employer/Supervisor Date

Evidence of Inspector Qualifications are on file at:

Record Retention

Driver Files: As long as driver is employed and for three years thereafter, save current medical card and one past medical card

Vehicle Files: One year and for an additional six months after vehicle leaves carrier's control and save current and one past vehicle annual inspection

Time Records: Six months

Daily Driver Vehicle Inspections: 90 Days

Roadside Inspections: One Year

Part 397

Transportation of Hazardous Materials



Domestic Security

Motor carriers involved in transportation of hazardous materials must:

- Develop and implement a security plan
- Train employees to recognize and react to potential security threats



FHP's Bureau of Commercial Vehicle Enforcement
conducts on-site Security Contact Reviews and Corporate Security Reviews

Driving and Parking Rules



- Attendance
- Parking
- Smoking
- Fueling
- Routing
- Railroad Crossings





Records



- Maintain Shipping Papers/Manifests For 375 days
- Keep PHMSA / Federal Hazmat Registration Current
- Maintain Security Plans
- Document Drivers' Hazmat Training
- Document All Employees' Hazmat Training

Why Are Motor Carriers Selected For Compliance Investigations?

- Crashes/HM Incidents
- Two or more BASIC alerts for two or more months consecutively
- Substantiated Complaints
- Security Contact Reviews



Purpose of Compliance Investigations

- To Assess Existing Safety Management Controls
- To Provide Educational and Technical Assistance
- To Reduce the Risk of Motor Vehicle Crashes

Compliance Investigation Close Out



The Officer Will Explain the Findings of the Review and Discuss Any Suggestions for Improving Your Safety Program.

Violations May Result in Penalties

First Compliance Investigation

- May Result in Penalties up to \$5,000

Follow Up Compliance Investigation

- May Result in Penalties up to \$25,000

Second Follow Up Compliance Investigation

- May Result in Penalties up to \$25,000 and
Enjoinment (Out-of-Service Order)

Florida Highway Patrol
Bureau of Commercial Vehicle Enforcement

Compliance Review Coordinator

Captain Kenny Morris 850-617-2284

Compliance Review Operational Analyst

Ashley McClellan 850-617-2282

Related Websites:

Florida Department of Highway Safety and Motor Vehicles
Bureau of Commercial Vehicle Enforcement

<http://www.flhsmv.gov/fhp/CVE>

((O

United States Department of Transportation
Federal Motor Carrier Safety Administration

<http://www.fmcsa.dot.gov>

Florida Statutes on-line

<http://flsenate.gov>

USDOT Transportation Safety Institute
Courses on HAZMAT, Interstate Operations, etc.

www.tsi.dot.gov

**Thank You For Your
Attention and Safe
Operations!**

